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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,785	01/30/2002	Philip Ted Kortum	P21782	4132
7055	7590	07/28/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.			CHOW, MING	
1950 ROLAND CLARKE PLACE			ART UNIT	
RESTON, VA 20191			PAPER NUMBER	
			2645	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,785

Applicant(s)

KORTUM ET AL.

Examiner

Ming Chow

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11, 14, 16-20, 22-25, 29-32, 35, 37 and 38 is/are rejected.
- 7) ☒ Claim(s) 5-7, 12, 13, 15, 21, 26-28, 33, 34 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-29-02, 4-29-05, 4-18-05, 4-30-06, 12-27-04, 10-4-04, 7-15-04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Allowable Subject Matter

1. Claims 5-7, 12-13, 15, 21, 26-28, 33-34, 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach presenting a summary of the sequence of the instructions to the caller after the caller's selection, and presenting a summary of the sequence of the instructions to the caller after the sequence of instructions has been presented to the caller.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1, 2, 4, 9, 14, 16, 17, 19, 20, 22, 23, 25, 30, 35, 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce et al (US: 6539080), and in view of Burg et al (US: 6456699).

Regarding claims 1, 19, 22, Bruce et al teach on column 2 line 23-43 telephone callers call IVR system.

Bruce et al teach on Fig. 4 main menu with a plurality of messages.

Bruce et al teach on Fig. 4 the 'tone' after "If you.....by zero" is the claimed "prompting" for the caller to select a menu message.

Bruce et al teach on item 102 Fig. 4 instructions are provided to the caller after caller selects "*0". Bruce et al teach on Fig. 4 each instruction about the selection (for example, 0, 5) is a task (operator, or pause).

Bruce et al failed to teach "automatically pausing". However, Burg et al teach on column 12 line 64-65 IVR system pauses at the termination point. Bruce et al teach on column 11 line 29-30 pause for about 2 seconds (claimed "predetermined amount of time").

Bruce et al failed to teach "querying the caller.....the instruction". However, Burg et al teach on Fig. 7 "COULD YOU REPEAT THAT" to confirm the caller's selection.

It would have been obvious to one skilled at the time the invention was made to modify Bruce et al to have the "automatically pausing" and "querying the caller.....the instruction" as taught by Burg et al such that the modified system of Bruce et al would be able to support the automatically pausing and querying the caller to confirm the selection to the system users.

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Regarding claims 2, 23, the modified system of Bruce et al in view of Burg et al as stated in claim 1 above failed to teach “periodically.....the instruction”. However, Burg et al teach on Fig. 7 “I’m sorry, could you repeat that” and “3rd attempt yes/no?” and back to step 203 of Fig. 7.

It would have been obvious to one skilled at the time the invention was made to modify Bruce et al, Burg et al to have the “periodically.....the instruction” as taught by Burg et al such that the modified system of Bruce et al, Burg et al would be able to support the periodically presenting instruction until the caller performed the task to the system users.

Regarding claims 4, 25, Bruce et al teach on column 3 line 7-9 the user can pause the instruction.

Regarding claims 9, 30, Bruce et al teach on column 12 line 35-38 playing additional instructions.

Regarding claims 14, 20, 35, Bruce et al teach on column 6 line 7-8 transferring to the operator.

Regarding claims 16, 17, 37, 38, Bruce et al teach on Abstract – replay the information.

3. Claims 3, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce et al (US: 6539080) as stated in claim 2 above, and in view of Burg et al, O’Sullivan (US: 5493608).

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Bruce et al in view of Burg et al as stated in claim 2 above failed to teach “transferring the.....of times”. However, O’Sullivan teaches on column 1 line 66 to column 2 line 2 the IVR forwards the caller to an operator if the caller does not respond within the response time (reads on claimed “after instruction has been re-presented to the caller”). It would have been obvious to one skilled at the time the invention was made to modify Bruce et al, Burg et al to have the “transferring the.....of times” as taught by O’Sullivan such that the modified system of Bruce et al, Burg et al would be able to support the transferring caller to an operator to the system users.

4. Claims 8, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce et al as stated in claim 1 above, and in view of Burg et al, Harrison et al (US: 6418216). Bruce et al in view of Burg et al as stated in claim 1 above failed to teach “presenting a.....presented instruction”. However, Harrison et al teach on column 7 line 63 instructions are repeated by the IVR. It would have been obvious to one skilled at the time the invention was made to modify Bruce et al, Burg et al to have the “presenting a.....presented instruction” as taught by Harrison et al such that the modified system of Bruce et al, Burg et al would be able to support the presenting previously presented instruction to the system users.

5. Claims 10, 11, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce et al as stated in claim 1 above, and in view of Burg et al, Alpdemir (US: 6658389). Bruce et al in view of Burg et al as stated in claim 1 above failed to teach “querying the.....performed correctly”. However, Alpdemir teaches on column 6 line 4-9 querying the caller if the task performed correctly. The user is re-presented with instruction “say ‘again’ to start over”. It

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would have been obvious to one skilled at the time the invention was made to modify Bruce et al, Burg et al to have the “querying the.....performed correctly” as taught by Alpdemir such that the modified system of Bruce et al, Burg et al would be able to support the querying to the system users.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce et al as stated in claim 1 above, and in view of Burg et al, Sassin et al (US: 6456619). Bruce et al in view of Burg et al as stated in claim 1 above failed to teach “presenting the.....troubleshooting information”. However, Sassin et al teach on column 1 line 30-33 requesting troubleshooting procedure by a menu selection. It would have been obvious to one skilled at the time the invention was made to modify Bruce et al, Burg et al to have the “presenting the.....troubleshooting information” as taught by Sassin et al such that the modified system of Bruce et al, Burg et al would be able to support the troubleshooting to the system users.

Conclusion

7. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Dewan (US: 6654447) teaches method and system for pausing a session with an interactive voice response unit.

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8. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow

(w)


FAN TSANG
SUPERVISORY PATENT EXAMINER
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